

Application No. 10/638,174  
Amendment dated January 13, 2006  
Reply to Office Action dated October 13, 2005

### REMARKS

Claims 1, 7, and 16 have been amended. Claims 2, 5, 6, 13-15, and 20-22 have been canceled. No new matter has been introduced as a result of these amendments. Claims 1, 3, 4, 7-12, and 16-19 are currently pending in the application.

The Examiner rejected claims 1, 3, 4, 7-12, 16-19, 21, and 22 under 35 USC § 103(a) as being unpatentable over Vaganov (USPN 2002/0181843) in view of Laor (USPN 6,320,993). Applicant respectfully traverses this rejection and requests reconsideration of the application.

The Manual of Patent Examining Procedure (MPEP) states the following in Section 2142:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant respectfully submits the combination of Vaganov and Laor do not render the claimed invention obvious because the combination does not meet any of the three basic criteria listed above. The discussion below, however, will be limited to the third criteria.

Nothing found in the combination of Vaganov and Laor teach or suggest all of the elements and limitations in independent claims 1, 7, and 16. The combined references do not teach one or more input optical fibers and one or more output

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optical fibers included in a single bundle of optical fibers, support devices connected to respective input and output optical fibers for creating bends in the fibers, and a mirror positioned opposite the single bundle of optical fibers comprised of one or more input and output fibers. Both Vaganov and Laor teach separate bundles of input fibers and output fibers. For example, figures 2, 4, 5, and 25 in Vaganov depict a bundle of input fibers transmitting light to a separate bundle of output fibers. Figures 1A and 1B in Laor illustrate light transmitting between a bundle of input fibers to a separate bundle of output fibers.

The Examiner argues it would have been obvious matter of design choice to use a single bundle of fibers. The Examiner however, does not provide any documentation or evidence to support his conclusion. "It is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record." MPEP 2144.03. "A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references." MPEP 2143.01 (emphasis original). "To establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Id.

Moreover, the issue of whether single bundles of fibers are well known is not dispositive, but rather whether the combination of elements and limitations in independent claims 1, 7, and 16 are obvious. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP 2141.02 (emphasis original). Based on the discussion above, the combination of Vaganov and Laor do not teach or

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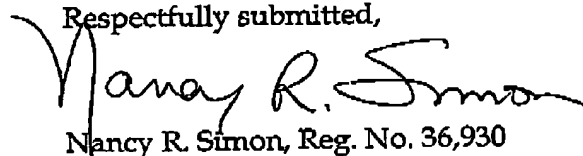
suggest all of the claim limitations. Applicant therefore submits independent claims 1, 7, and 16 are not obvious in view of Vaganov and Laor.

"If an independent claim is not rendered obvious by prior art, then any claim depending from the independent claim is not obvious." In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988) (see also M.P.E.P. § 2143.03). Claims 3 and 4 depend from claim 1, claims 8-12 depend from claim 7, and claims 17-19 from claim 16. For at least the reasons argued above, the combination of Vaganov and Laor does not render Applicant's independent claims 1, 7, and 16 obvious. Applicant therefore submits dependent claims 3, 4, 8-12, and 17-19 are not obvious in view of Vaganov and Laor.

In light of the amendments and discussion above, Applicant believes that all claims currently remaining in the application are allowable over the prior art and respectfully requests allowance of such claims.

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Respectfully submitted,



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